

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

LEROY COLLINS,

Plaintiff-Petitioner,

vs.

WARDEN, CHILLICOTHE
CORRECTIONAL INSTITUTION,

Defendant-Respondent.

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Case No. 3:06cv256

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS
OF UNITED STATES MAGISTRATE JUDGE (DOC. #16) IN THEIR
ENTIRETY; PLAINTIFF-PETITIONER'S OBJECTIONS TO SAID JUDICIAL
FILING (DOC. #18) OVERRULED; JUDGMENT TO ENTER IN FAVOR OF
DEFENDANT-RESPONDENT AND AGAINST PLAINTIFF-PETITIONER;
LEAVE TO APPEAL *IN FORMA PAUPERIS* DENIED; CERTIFICATE OF
APPEALABILITY DENIED; TERMINATION ENTRY

Pursuant to the reasoning and citations of authority set forth in the Report and Recommendations of the United States Magistrate Judge, filed February 13, 2008 (Doc. #16), as well as upon a thorough review of this Court's file and the applicable law, said Report and Recommendations are adopted in their entirety. The Plaintiff-Petitioner's Objections to said judicial filing (Doc. #18) are overruled. Judgment will be ordered entered in favor of the Defendant-Respondent and against Plaintiff-Petitioner, dismissing the first four grounds for relief in the

Petitioner's Petition for Writ of Habeas Corpus, with prejudice, and the fifth ground for failure to state a claim upon which relief can be granted.

Given that Plaintiff has not made a substantial showing of the denial of a constitutional right and, further, that reasonable jurists would not disagree with the within conclusions, and, further, because any appeal herefrom would be objectively frivolous, Petitioner is denied leave to appeal *in forma pauperis* and denied a Certificate of Appealability.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

/s/ Walter Herbert Rice

March 17, 2008

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Leroy Collins, Pro Se
Stephanie L. Watson, Esq.
Thelma Thomas Price, Esq.

Chief Magistrate Judge Michael R. Merz